

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TELETRAC INC.,
NAVMAN WIRELESS NORTH AMERICA, LTD.,
GEOTAB INC., AND
TV MANAGEMENT, INC., D/B/A GPS NORTH AMERICA

Petitioners

v.

PERDIEMCO LLC

Patent Owner

Case IPR2016-01063
U.S. Patent No. 8,717,166

**JOINT MOTION TO TERMINATE THE PROCEEDINGS WITH
RESPECT TO TELETRAC INC. AND NAVMAN WIRELESS NORTH
AMERICA, LTD. UNDER 35 U.S.C. § 317(a)**

As authorized in the Patent Trial and Appeal Board's (the "Board") August 15, 2016 e-mail (Ex. 2001), and pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72 and 42.74, Patent Owner PerdiemCo LLC ("Patent Owner") and Petitioners Teletrac Inc. and Navman Wireless North America, Ltd. (collectively "Teletrac") jointly and respectfully request that the *inter partes* review ("IPR") of U.S. Patent No. 8,717,166 be terminated with respect to Teletrac only.

1. Brief Explanation As To Why Termination Is Appropriate

On May 19, 2016, Teletrac, along with separate parties Geotab Inc. and TV Management, Inc. d/b/a GPS North America filed the instant IPR (Paper No. 5). On June 7, 2016, the Board issued a Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 6). Patent Owner has not yet filed a response, which is due on September 7, 2016. On August 11, 2016, Patent Owner and Teletrac settled their dispute and executed a confidential settlement agreement to terminate Teletrac's involvement in this proceeding and the parties' related district court litigation: *PerdiemCo LLC v. Industrack LLC et al.*, 2:15-cv-00727-JRG-RSP (E.D. Tex.) and *PerdiemCo LLC v. Teletrac, Inc. et al.*, 2:15-cv-00730-JRG-RSP (E.D. Tex.). A Stipulation and Order of Dismissal agreed to by the parties in the related district court litigation has been filed in the district court.

Pursuant to 37 C.F.R. § 42.74(b), the parties' confidential settlement agreement is in writing, and a true and correct copy is being filed concurrently herewith as Exhibit 2002.¹ The parties are also filing concurrently herewith a joint request to treat the confidential settlement agreement as business confidential information and keep it separate from the files of the IPR and the involved patent under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Termination of this proceeding with respect to Teletrac is proper under 35 U.S.C. § 317(a) because the Board has not yet instituted this proceeding. This proceeding will continue with respect to the other remaining Petitioners. Accordingly, Patent Owner and Teletrac respectfully request that the Board terminate the *inter partes* review of U.S. Patent No. 8,717,166 with respect to Teletrac.

2. Related Litigations Involving The Patent At Issue

The related litigations involving the patent at issue in this proceeding, as well as the remaining defendants in each case, are set forth below.

¹ The settlement agreement is being filed electronically via PTAB E2E with access to the "Board Only." The settlement contains both Patent Owner's and Teletrac's business confidential information, which cannot be made available to any of the other Petitioners remaining in this proceeding.

Case	Defendants
<i>PerdiemCo LLC v. Industrack LLC</i> , Case No. 2:15-cv-00727-JRG-RSP (E.D. Tex.) (consolidated with <i>PerdiemCo LLC v. Geotab Inc. et al.</i> , Case No. 2:15-cv-00726-JRG-RSP (E.D. Tex.))	Geotab Inc.
<i>PerdiemCo LLC v. GPS Logic, LLC</i> , Case No. 2:15-cv-01216-JRG-RSP (E.D. Tex.) (consolidated with <i>PerdiemCo LLC v. thingtech LLC</i> , Case No. 2:15-cv-01218-JRG-RSP (E.D. Tex.); <i>PerdiemCo LLC v. LiveViewGPS, Inc.</i> , Case No. 2:15-cv-01219-JRG-RSP (E.D. Tex.); and <i>PerdiemCo LLC v. TV Management, Inc., d/b/a GPS North America</i> , Case No. 2:15-cv-01217-JRG-RSP (E.D. Tex.))	thingtech LLC LiveViewGPS, Inc. TV Management Inc., d/b/a GPS North America

3. Related Proceedings Currently Before The Office

There are no related proceedings currently before the Office involving the patent at issue and Teletrac. This proceeding will continue with respect to the remaining Petitioners. Patent owner and Teletrac are likewise concurrently filing similar motions to terminate with respect to Case Nos. IPR2016-01061 (U.S. Patent No. 8,223,012); IPR2016-01062 (U.S. Patent No. 8,493,207); IPR2016-01064 (U.S. Patent No. 9,003,499); and IPR2016-01278 (U.S. Patent No. 9,071,931).

4. Current Status Of The Related Litigations

The litigations against all other defendants remain pending. Each litigation involves multiple patents. Case No. 2:15-cv-00727-JRG-RSP is set for jury

selection on November 7, 2016, and Case No. 2:15-cv-01216-JRG-RSP is set for jury selection on January 3, 2017, but no trial date has been set in any proceeding.

For the foregoing reasons, the parties jointly and respectfully request termination of the present proceeding with respect to Teletrac.

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